



Reprinted
February 28, 2014

ENGROSSED HOUSE BILL No. 1141

DIGEST OF HB 1141 (Updated February 27, 2014 2:54 pm - DI 106)

Citations Affected: IC 5-2; IC 10-11; IC 13-14; IC 32-21; IC 35-50.

Synopsis: Methamphetamine lab disclosure in property sales. Provides that the state police department (and not the Indiana criminal justice institute) maintains the methamphetamine laboratory web site (web site). Provides that a property used for the manufacture of methamphetamine may not be placed on the web site until 180 days after the methamphetamine laboratory is reported to the state police department, and specifies that the state police department is not
(Continued next page)

Effective: July 1, 2014.

McNamara, Ober, Kubacki, Macer

(SENATE SPONSORS — HEAD, ARNOLD J)

January 9, 2014, read first time and referred to Committee on Government and Regulatory Reform.

January 28, 2014, amended, reported — Do Pass.

January 30, 2014, read second time, amended, ordered engrossed.

January 31, 2014, engrossed.

February 3, 2014, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Civil Law.

February 25, 2014, amended, reported favorably — Do Pass.

February 27, 2014, read second time, amended, ordered engrossed.

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Digest Continued

required to place a property on the web site if it was decontaminated before being placed on the web site. Provides that a property must be removed from the web site not later than 90 days after the property has been certified decontaminated by an approved inspector, and not later than five days after the commencement of a certified decontamination operation if certain conditions are met. Specifies that if methamphetamine is manufactured in an apartment of a multi-unit complex, only the specific unit in which the methamphetamine was manufactured may be included on the web site. Requires a person who manufactures methamphetamine on property owned by another person to pay restitution to the owner for the owner's actual damages, including lost rents and the costs of decontamination. Makes other changes.



Reprinted
February 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1141

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 3. The institute is established to do the following:
4 (1) Evaluate state and local programs associated with:
5 (A) the prevention, detection, and solution of criminal
6 offenses;
7 (B) law enforcement; and
8 (C) the administration of criminal and juvenile justice.
9 (2) Improve and coordinate all aspects of law enforcement,
10 juvenile justice, and criminal justice in this state.
11 (3) Stimulate criminal and juvenile justice research.
12 (4) Develop new methods for the prevention and reduction of
13 crime.
14 (5) Prepare applications for funds under the Omnibus Act and the
15 Juvenile Justice Act.
16 (6) Administer victim and witness assistance funds.

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(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.~~

~~(14)~~ (13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ (14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ (15) Administer any sexual offense services.

~~(17)~~ (16) Administer domestic violence programs.

~~(18)~~ (17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ (18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ (19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 2. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, "~~institute~~" "~~department~~" refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a



methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, and in accordance with subsections ~~(h)~~ and ~~(i)~~, **(g) and (h)**, the ~~institute~~ **department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the ~~institute~~ **department**. **If methamphetamine is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the methamphetamine was manufactured.** The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) ~~Except as provided in subsection (h), the institute~~ **department** shall remove a listed property from the web site **not later than ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

(f) ~~Notwithstanding subsection (e);~~ If property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the ~~institute~~ **may not department is not required to** place the property on the list.

(g) Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.

~~(h)~~ **(g)** This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The ~~institute~~ **department** may not list a **rental unit property** that has been used as the site of a methamphetamine laboratory on the web site until **the one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a methamphetamine laboratory.** ~~later of the following:~~

(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, if the owner or operator of the rental property has not provided documentation to the institute showing:

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under



IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property.

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site.

(i) (h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The **institute department** shall remove a **rental unit property** listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the **rental** property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.

The **institute department** shall relist the **rental unit property** on the web site not less than one hundred ~~fifty (150)~~ **eighty (180)** days after receiving documentation described in subdivisions (1) and (2), unless the owner or operator of the **rental** property provides documentation to the **institute department** that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory.

SECTION 3. IC 10-11-2-31.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31.1. (a) The superintendent shall adopt:**

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;



for receiving an approved certificate of cleanup from the department of environmental management that property used for the manufacture of methamphetamine or polluted by waste from the manufacture of methamphetamine has been certified as decontaminated by an inspector approved under IC 13-14-1-15.

(b) Guidelines adopted under this section must require that the department remove, in accordance with the time periods described in IC 5-2-6-19, the decontaminated property from any publicly available list of methamphetamine contaminated properties compiled or made available by the department.

SECTION 4. IC 13-14-1-15, AS ADDED BY P.L.192-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The department shall maintain a list of persons certified to inspect and clean property that is polluted by a contaminant. The list may specifically note persons with particular expertise or experience in the inspection or cleanup of property contaminated by chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or by waste produced from the illegal manufacture of a controlled substance.

(b) The department may specify by rule that a person who meets certain qualifications prescribed by the department is a person certified to inspect and clean property that is polluted by a contaminant.

(c) The department shall specify by rule that any person:

(1) certified under this section to inspect and clean contaminated property; and

(2) who has decontaminated property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine;

shall notify the department when the person has decontaminated a property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine.

(c) (d) The department shall adopt rules under IC 4-22-2:

(1) to implement this section; and

(2) concerning the inspection and remediation of contaminated property.

SECTION 5. IC 32-21-5-7, AS AMENDED BY P.L.159-2011, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:



- 1 (A) The foundation.
- 2 (B) The mechanical systems.
- 3 (C) The roof.
- 4 (D) The structure.
- 5 (E) The water and sewer systems.
- 6 (F) Additions that may require improvements to the sewage
- 7 disposal system.
- 8 (G) Other areas that the Indiana real estate commission
- 9 determines are appropriate.
- 10 (2) Disclosure by the owner of known:
 - 11 (A) contamination caused by the manufacture of a controlled
 - 12 substance on the property that has not been certified as
 - 13 decontaminated by an inspector approved under
 - 14 IC 13-14-1-15; or
 - 15 **(B) manufacture of methamphetamine or dumping of**
 - 16 **waste from the manufacture of methamphetamine in a**
 - 17 **residential structure on the property.**
- 18 (3) A notice to the prospective buyer that contains substantially
- 19 the following language:
- 20 "The prospective buyer and the owner may wish to obtain
- 21 professional advice or inspections of the property and provide for
- 22 appropriate provisions in a contract between them concerning any
- 23 advice, inspections, defects, or warranties obtained on the
- 24 property.".
- 25 (4) A notice to the prospective buyer that contains substantially
- 26 the following language:
- 27 "The representations in this form are the representations of the
- 28 owner and are not the representations of the agent, if any. This
- 29 information is for disclosure only and is not intended to be a part
- 30 of any contract between the buyer and owner.".
- 31 (5) A disclosure by the owner that an airport is located within a
- 32 geographical distance from the property as determined by the
- 33 Indiana real estate commission. The commission may consider the
- 34 differences between an airport serving commercial airlines and an
- 35 airport that does not serve commercial airlines in determining the
- 36 distance to be disclosed.
- 37 SECTION 6. IC 35-50-5-3, AS AMENDED BY P.L.73-2012,
- 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
- 40 or (m), in addition to any sentence imposed under this article for a
- 41 felony or misdemeanor, the court may, as a condition of probation or
- 42 without placing the person on probation, order the person to make



1 restitution to the victim of the crime, the victim's estate, or the family
 2 of a victim who is deceased. The court shall base its restitution order
 3 upon a consideration of:

4 (1) property damages of the victim incurred as a result of the
 5 crime, based on the actual cost of repair (or replacement if repair
 6 is inappropriate);

7 (2) medical and hospital costs incurred by the victim (before the
 8 date of sentencing) as a result of the crime;

9 (3) the cost of medical laboratory tests to determine if the crime
 10 has caused the victim to contract a disease or other medical
 11 condition;

12 (4) earnings lost by the victim (before the date of sentencing) as
 13 a result of the crime including earnings lost while the victim was
 14 hospitalized or participating in the investigation or trial of the
 15 crime; and

16 (5) funeral, burial, or cremation costs incurred by the family or
 17 estate of a homicide victim as a result of the crime.

18 (b) A restitution order under subsection (a), (i), (j), (l), or (m), is a
 19 judgment lien that:

20 (1) attaches to the property of the person subject to the order;

21 (2) may be perfected;

22 (3) may be enforced to satisfy any payment that is delinquent
 23 under the restitution order by the person in whose favor the order
 24 is issued or the person's assignee; and

25 (4) expires;

26 in the same manner as a judgment lien created in a civil proceeding.

27 (c) When a restitution order is issued under subsection (a), the
 28 issuing court may order the person to pay the restitution, or part of the
 29 restitution, directly to:

30 (1) the victim services division of the Indiana criminal justice
 31 institute in an amount not exceeding:

32 (A) the amount of the award, if any, paid to the victim under
 33 IC 5-2-6.1; and

34 (B) the cost of the reimbursements, if any, for emergency
 35 services provided to the victim under IC 16-10-1.5 (before its
 36 repeal) or IC 16-21-8; or

37 (2) a probation department that shall forward restitution or part of
 38 restitution to:

39 (A) a victim of a crime;

40 (B) a victim's estate; or

41 (C) the family of a victim who is deceased.

42 The victim services division of the Indiana criminal justice institute



1 shall deposit the restitution it receives under this subsection in the
 2 violent crime victims compensation fund established by IC 5-2-6.1-40.

3 (d) When a restitution order is issued under subsection (a), (i), (j),
 4 (l), or (m), the issuing court shall send a certified copy of the order to
 5 the clerk of the circuit court in the county where the felony or
 6 misdemeanor charge was filed. The restitution order must include the
 7 following information:

8 (1) The name and address of the person that is to receive the
 9 restitution.

10 (2) The amount of restitution the person is to receive.

11 Upon receiving the order, the clerk shall enter and index the order in
 12 the circuit court judgment docket in the manner prescribed by
 13 IC 33-32-3-2. The clerk shall also notify the department of insurance
 14 of an order of restitution under subsection (i).

15 (e) An order of restitution under subsection (a), (i), (j), (l), or (m),
 16 does not bar a civil action for:

17 (1) damages that the court did not require the person to pay to the
 18 victim under the restitution order but arise from an injury or
 19 property damage that is the basis of restitution ordered by the
 20 court; and

21 (2) other damages suffered by the victim.

22 (f) Regardless of whether restitution is required under subsection (a)
 23 as a condition of probation or other sentence, the restitution order is not
 24 discharged by the completion of any probationary period or other
 25 sentence imposed for a felony or misdemeanor.

26 (g) A restitution order under subsection (a), (i), (j), (l), or (m), is not
 27 discharged by the liquidation of a person's estate by a receiver under
 28 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
 29 IC 34-1-12, or IC 34-2-7 before their repeal).

30 (h) The attorney general may pursue restitution ordered by the court
 31 under subsections (a) and (c) on behalf of the victim services division
 32 of the Indiana criminal justice institute established under IC 5-2-6-8.

33 (i) The court may order the person convicted of an offense under
 34 IC 35-43-9 to make restitution to the victim of the crime. The court
 35 shall base its restitution order upon a consideration of the amount of
 36 money that the convicted person converted, misappropriated, or
 37 received, or for which the convicted person conspired. The restitution
 38 order issued for a violation of IC 35-43-9 must comply with
 39 subsections (b), (d), (e), and (g), and is not discharged by the
 40 completion of any probationary period or other sentence imposed for
 41 a violation of IC 35-43-9.

42 (j) The court may order the person convicted of an offense under



IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

(1) The gross income or value to the person of the victim's labor or services.

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:

(A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or

(B) IC 22-2-2 (Minimum Wage);

whichever is greater.

(l) The court shall order a person who:

(1) is convicted of dealing in methamphetamine under ~~IC 35-48-4-1.1(a)(1)(A)~~; **IC 35-48-4-1.1**; and

(2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) **or to pay actual damages to the property owner, including lost rent and the costs of decontamination by an inspector approved under IC 13-14-1-15.**

(m) The court shall order a person who:

(1) is convicted of dealing in marijuana under



1 IC 35-48-4-10(a)(1)(A); and
 2 (2) manufactured the marijuana on property owned by another
 3 person, without the consent of the property owner;
 4 to pay liquidated damages to the property owner in the amount of two
 5 thousand dollars (\$2,000).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- ~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list~~



of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

~~(14)~~ **(13)** Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ **(14)** Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ **(15)** Administer any sexual offense services.

~~(17)~~ **(16)** Administer domestic violence programs.

~~(18)~~ **(17)** Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ **(18)** Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ **(19)** Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 1. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, ~~"institute"~~ **"department"** refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, ~~and in accordance with subsections (h) and (i);~~ the ~~institute~~ **department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the ~~institute.~~ **department.** The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) The ~~institute~~ **department** shall remove a listed property from the web site ~~ninety (90) days~~ **ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

~~(f) Notwithstanding subsection (e);~~ if property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before



it is placed on the list required under subsection (c); the institute may not place the property on the list.

(g) Records concerning a listed property that has been removed from the web site under subsection (c) are confidential.

(h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute may not list a rental unit that has been used as the site of a methamphetamine laboratory on the web site until the later of the following:

(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; if the owner or operator of the rental property has not provided documentation to the institute showing:

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property.

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory; the institute may not list the property on the web site.

(i) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.



The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2); unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory."

Page 1, line 7, delete "a report" and insert "**an approved certificate of cleanup from the department of environmental management**".

Page 1, line 12, delete "thirty (30)" and insert "**ninety (90)**".

Page 2, line 18, delete ", in accordance with guidelines adopted by the state police" and insert "**notify the**".

Page 2, delete line 19.

Page 2, run in lines 18 through 20.

Page 3, line 3, delete "; or"

Page 3, delete lines 4 through 7.

Page 3, line 9, delete "." and insert "; **or**".

Page 3, run in lines 3 through 9.

Page 3, between lines 9 and 10, begin a new line double block indented and insert:

"(B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1141 as introduced.)

MAHAN, Chair

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1141 be amended to read as follows:

Page 3, line 4, reset in roman "and".

Page 3, line 5, reset in roman "in accordance with subsections".

Page 3, line 5, after "(i)," insert "**(f) and (g),**".

Page 3, reset in roman lines 23 through 42.

Page 3, line 23, strike "(h)" and insert "**(f)**".

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Page 4, reset in roman lines 1 through 25.
Page 4, line 10, strike "(i)" and insert "(g)".

(Reference is to HB 1141 as printed January 28, 2014.)

MCNAMARA

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1141, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 5, delete "(f) and (g)," and insert "**(g) and (h)**".

Page 3, line 13, after "(e)" delete "The" and insert "**Except as provided in subsection (h), the**".

Page 3, line 14, after "site" insert "**not later than**".

Page 3, line 18, reset in roman "(f)".

Page 3, line 18, delete "if" and insert "If".

Page 3, line 18, reset in roman "property has been certified as".

Page 3, reset in roman line 19.

Page 3, line 20, reset in roman "it is placed on the list required under subsection (c), the".

Page 3, line 21, after "not" insert "**department is not required to**".

Page 3, line 21, reset in roman "place the property on the list".

Page 3, line 24, delete "(f)" and insert "(g)".

Page 3, line 24, strike "This subsection only applies to a rental unit (as defined in".

Page 3, line 25, strike "IC 32-31-3-8)".

Page 3, line 25, strike "institute" and insert "**department**".

Page 3, line 25, strike "rental unit" and insert "**property**".

Page 3, line 26, after "until" strike "the" and insert "**one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a methamphetamine laboratory**".

Page 3, strike lines 27 through 42.

Page 4, strike lines 1 through 10.

Page 4, line 11, delete "(g)" and insert "(h)".

Page 4, line 11, strike "This subsection only applies to a rental unit (as defined in".

Page 4, line 12, strike "IC 32-31-3-8)".

Page 4, line 12, strike "institute" and insert "**department**".



Page 4, line 12, strike "rental unit" and insert "**property**".
 Page 4, line 14, strike "rental".
 Page 4, line 20, strike "institute" and insert "**department**".
 Page 4, line 20, strike "rental unit" and insert "**property**".
 Page 4, line 21, strike "fifty (150)" and insert "**eighty (180)**".
 Page 4, line 22, strike "rental".
 Page 4, line 23, strike "institute" and insert "**department**".
 Page 4, line 39, delete ", not later than ninety (90) days after receipt of" and insert "**, in accordance with the time periods described in IC 5-2-6-19,**".
 Page 4, line 40, delete "a report described in subsection (a),".

and when so amended that said bill do pass.

(Reference is to HB 1141 as reprinted January 31, 2014.)

ZAKAS, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1141 be amended to read as follows:

Page 6, after line 32, begin a new paragraph and insert:

"SECTION 6. IC 35-50-5-3, AS AMENDED BY P.L.73-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

- (1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);
- (2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;
- (3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;

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(4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m), is a judgment lien that:

(1) attaches to the property of the person subject to the order;

(2) may be perfected;

(3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

(1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:

(A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and

(B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or

(2) a probation department that shall forward restitution or part of restitution to:

(A) a victim of a crime;

(B) a victim's estate; or

(C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

(1) The name and address of the person that is to receive the restitution.

(2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in



the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m), does not bar a civil action for:

(1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and

(2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or (m), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders



to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

- (1) The gross income or value to the person of the victim's labor or services.
- (2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:
 - (A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or
 - (B) IC 22-2-2 (Minimum Wage);
 whichever is greater.

(l) The court shall order a person who:

- (1) is convicted of dealing in methamphetamine under ~~IC 35-48-4-1.1(a)(1)(A)~~; **IC 35-48-4-1.1**; and
- (2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) **or to pay actual damages to the property owner, including lost rent and the costs of decontamination by an inspector approved under IC 13-14-1-15.**

(m) The court shall order a person who:

- (1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and
- (2) manufactured the marijuana on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of two thousand dollars (\$2,000).".

(Reference is to EHB 1141 as printed February 26, 2014.)

MILLER PATRICIA



SENATE MOTION

Madam President: I move that Engrossed House Bill 1141 be amended to read as follows:

Page 3, line 8, after "department." insert **"If methamphetamine is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the methamphetamine was manufactured."**

(Reference is to EHB 1141 as printed February 26, 2014.)

HEAD

